

REMARKS

In the Office Action, the Examiner noted that claim 25 failed to identify the amendment. The Examiner finally rejected claims 1, 19, 22, 24, 25 and 27 under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. Additionally, the Examiner rejected claims 1, 19 and 27 as being anticipated by *Adams et al*, and as evidenced by *Atkinson et al* and *Sowemimo-Coker*.

The Amendment of claim 25 is now corrected. Claim 25 is marked as “presently amended” and the changes are noted.

I. The Claims as Amended are Enabled Under 112, First Paragraph.

The Examiner rejected claims 1, 19, 22, 24, 25, and 27 as failing to comply with the enablement requirement. Specifically, the Examiner reasoned that the phrase “*suppressing sickle cell disease*” was not sufficiently disclosed. However, if a statement of utility is made, the utility of the invention is presumed to be true as stated in the specification of the patent application unless there is some reason to doubt the truth of the statements. See *In re Brana*, 51 F.3d 1560 (Fed. Cir. 1995).

In *Brana*, the applicants claimed substances useful as antitumor substances and offered evidence that structurally similar compounds were previously proven *in vivo* against various tumor models to be effective chemotherapeutic agents. Although the *in vivo* tests were in animals rather than humans, and tested only structurally similar compounds (where structural differences can significantly effect results), the court concluded that the PTO had erred and that the applicant’s disclosure complied with the enablement requirements of § 112, first paragraph, and the underlying utility requirements of § 101.

Nevertheless, Applicants have amended claim 1 to read "A method of *treating* sickle cell disease ..." and thus the rejection under 35 U.S.C. 112, first paragraph should be withdrawn.

II. The Claims as Amended are Not Anticipated.

The Examiner rejected claims 1, 19 and 27 as being anticipated by *Adams et al*, and as evidenced by *Atkinson et al* and *Sowemimo-Coker* and discounted Applicants' previous arguments because the claims were not limited to humans only. While not agreeing with the Examiner's interpretation of the cited literature, Applicants have amended claim 1 to "A method of treating sickle cell disease *in humans*" Thus claims 1, 19, and 27, as amended, are patentable over the cited art.

CONCLUSION

In view of the above amendments and discussion, Applicants submit that the Examiner's rejections under § 112, first paragraph, and under § 102 should be withdrawn. Claims 1, 19, 22, 24, 25, and 27 are in condition for allowance, and such action is respectfully requested.

This is intended to be a complete response to the Office Action mailed on October 20, 2005.

Respectfully submitted,



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